

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

Date: May 8-9 and June 19, 2006

Time: 9:00 a.m. C.S.T.

Location: Tennessee Room
Ground Floor, Cordell Hull Building
425 5th Avenue North
Nashville, TN 37247-1010

May 8, 2006

Members Present: Steve Harper, LMT, Chair
Rebecca Eichel, LMT, Secretary
Kirsten VandeBerg, LMT
Beverly Chumbley, RN, LMT
Juliana Glasgow-Trotman, LMT
Craig Blackwell, Citizen Member
Marilyn Field, Citizen Member
Robbie Bell, Ex-Officio Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Bob Kraemer, Advisory Attorney

A quorum being present, the Board meeting was called to order by Mr. Steve Harper at 9:00 a.m.

Conflict Of Interest

Ms. Bell reviewed the Conflict of Interest Policy with the Board. She also explained the Sunshine law regarding members discussing issues outside of a meeting. She reiterated that when two or more members are discussing an issue to be addressed by the Board, be it in person, on the telephone or via e-mail, they may be in violation of the Sunshine law.

Minutes

Ms. Chumbley made a motion which was seconded by Ms. Glasgow-Trotman to accept the minutes of the February 14, 2006 Board meeting with the following change:

Page 7-Line 3- delete the word “not” before the word attributable. The motion carried.

Rules

Mr. Jerry Kosten presented rules for a roll call vote for the March 3, 2006 rulemaking hearing rules regarding establishment licensure approval and denial process, continuing education for new licensees and revision of an ethical standard.

Ms. VandeBerg voiced concerns regarding new licensees having to obtain continuing education when they receive their license in December. She also stated she felt there would be a lot of confusion with the quarter hours unless we add the continuing education chart in the rules. Mr. Harper agreed and Ms. Glasgow-Trottman said, in her opinion, a licensee should be exempt the first year of licensure.

Mr. Justin Hill and Ms. Mai-Lis Nash addressed the Board and said they have discussed the new chart with their students and have received favorable responses.

After a considerable amount of discussion, Mr. Blackwell made a motion to add the following sentence to Section (2) (c): Every person who is required, pursuant to the pro-rated system, to obtain only four (4) hours of continuing education must obtain those hours in the subject areas required by subparagraphs (2) (e) and (2) (f), and the chart be revised so that in the second year of the cycle, the months of October, November and December, the hours would be changed to four (4) hours each. Ms. Chumbley seconded the motion, Ms. VandeBerg voted no. The motion carried.

Ms. VandeBerg made a motion to include the continuing education chart in the rules. Ms. Chumbley seconded the motion. The motion carried.

Ms. Birkner conducted a roll call vote, all members voted yes.

At the request of Mr. Harper, the rules regarding professional ethical standards, Section 0870-1-.19 which was previously adopted on December 5, 2005 were brought back to the Board for consideration of a new roll call vote. Mr. Harper had suggested in the December 5, 2005 meeting that teachers or school owners not accept students as clients. He feels he made a mistake and that they should be able to accept students as clients as it is a good learning tool for the student. Ms. Field made a motion to remove the words "or accepting" from Section 0870-1-.19 (1) (m), line four (4). Ms. VandeBerg seconded the motion. The motion carried.

Ms. Birkner conducted a roll call vote, all members voted yes.

Applicant Interviews

Donna R. Kirk

Ms. Kirk appeared before the Board to give explanation to multiple traffic violations in 2003. Ms. VandeBerg made a motion to approve Ms. Kirk for licensure. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Amanda A. Brannon

Ms. Brannon appeared before the Board to give explanation to a DWI charge in 2002. Ms. Smithson of Lighthouse Professional Services advocated for Ms. Brannon. Ms. Chumbley made a motion to approve Ms. Brannon for licensure. Ms. VandeBerg seconded the motion. The motion carried.

David F. Bennett

Mr. Bennett appeared before the Board to give explanation to a conviction of possession of a controlled substance in February 2005 and a DUI in May 2005. Ms. Smithson of Lighthouse Professional Services advocated for Mr. Bennett. Ms. Glasgow-Trotman made a motion to approve Mr. Bennett for licensure. Ms. Eichel seconded the motion. The motion carried.

Requests for Approval of Continuing Education Courses

- a. Chinese Clinical Qigong I-Michael Lomax-7 hours
- b. Chinese Clinical Qigong II- Michael Lomax-7 hours
- c. Chinese Taoist Medicine- Michael Lomax-7 hours

Ms. VandeBerg had reviewed the courses and due to the nature of the courses referred it to the full Board. Mr. J. Michael Wood appeared before the Board on behalf of Mr. Lomax. Mr. Wood explained the procedure of Chinese Clinical Qigong. Ms. VandeBerg made a motion to approve the courses for continuing education. Ms. Chumbley seconded the motion. The motion carried with Mr. Blackwell abstaining.

Administrator/Directors Report

Ms. Birkner presented the report regarding statistical information and license status since the last meeting which indicated the following:

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
Active Licensees – 4077	Active Licensees – 1162
Retired Licensees – 395	Retired Licensees –178
Failed to Renew – 1258	Failed to Renew – 218

LICENSE STATUS SINCE LAST MEETING

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>January 2006</i>	<i>January 2006</i>
Newly Licensed – 45	Newly Licensed – 37
Reinstates – 5	Reinstates- 2
Retired- 10	Retired-6
New Applications-45	New Applications-37

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>February 2006</i>	<i>February 2006</i>
Newly Licensed – 36	Newly Licensed – 34
Reinstates – 6	Reinstates- 1
Retired- 4	Retired-7
New Applications-27	New Applications-38

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>March 2006</i>	<i>March 2006</i>
Newly Licensed – 53	Newly Licensed – 39
Reinstates – 13	Reinstates- 2
Retired- 12	Retired-8
New Applications-42	New Applications-38

Ms. Birkner reported that the Request for Proposals for the massage establishment inspector was mailed to all qualified licensees that requested the proposals. Also, staff continues to work with the National Board to obtain examination scores on-line. This is an ongoing process and she will keep the Board updated.

Ms. Bell and Ms. Birkner met with Mr. John Page, Executive Director and Ms. Sally Hacking, Government Relations Director from the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB). They provided encouraging news of the progress the NCBTMB has made with processing applications. They reported that an examination date is confirmed within three (3) weeks of completion of the application process. Incomplete applications are the primary cause for delay for applicants to receive an examination date.

Establishment Inspection Report

Ms. Birkner reported there were three hundred seventy-five (375) inspections conducted during the period of January-March 2006.

Investigation/Disciplinary Report

Ms. Birkner presented the Investigative Report which indicates seven (7) new complaints have been received from January through March 2006. In the same time period a total of twelve (12) complaints have been closed, four (4) with no action, six (6) referred to the Office of General Counsel and two (2) pending court action. There are currently eighteen (18) open cases in Investigations.

Financial Report

The Board reviewed the report.

Office of General Counsel Report

Mr. Kraemer reported the following:

1. **Criminal Background Checks and Housekeeping– (05-0095)** These amendments went to rulemaking hearing on April 25, 2005. They were adopted by the Board on August 26, 2005 and were sent to the Attorney General on August 31, 2005. They were signed by the Attorney General and filed with the Secretary of State on March 24, 2006 and become effective on June 7, 2006.
2. **2005 Legislation and Retreat Amendments - (05-1396)** These amendments regarding a wide variety of subject areas generated by discussions at the recent Board retreat and the 2005 legislative session went to rulemaking on October 18, 2005. They were adopted by the Board on December 5, 2005 and were sent to the Attorney General on December 8, 2005. They are still there.
3. **Continuing Education, Board Orders and Establishment Enforcement Amendments (05-1609)** These amendments went to rulemaking hearing on March 3, 2006 and after response to what, if any, comments were received are ready for adoption at this meeting.

Litigation:

The Office of General Counsel currently has ten (10) open disciplinary cases pertaining to the Massage Board.

Lighthouse Professional Services Report

Ms. Smithson stated she did not have a report for this meeting but would have a year-end report at the August meeting.

Requests for Continuing Education Waiver/Extension's

Morris Johnson, LMT

Attorney Paul Leitner submitted a letter on behalf of Mr. Johnson, requesting a waiver of continuing education stating it is beyond his physical capabilities due to medical reasons. Letters from Mr. Johnson's doctor were submitted in support of his request. Ms. Chumbley made a motion to grant his request for a waiver for this continuing education cycle. Mr. Blackwell seconded the motion. The motion carried.

Review and Discuss Legislation

Ms. Debra Hicks reported that the legislation proposed by the Tennessee Massage Therapy Association has passed the Senate and has been forwarded to the House's Calendar and Rules.

Consideration of approval to contract for a consultant to assist staff in reviewing massage therapy program curriculum requirements and transcripts, when needed

Ms. Birkner explained it was sometimes difficult to understand the breakdown of course curriculums on out-of-state transcripts. After discussion it was the consensus of the Board that it is the applicant's responsibility to have adequate information submitted to the Board from the school.

In regards to reviewing Tennessee massage therapy program curriculum requirements, Ms. Chumbley made a motion to contract with a consultant. Ms. VandeBerg seconded the motion. The motion carried. Mr. Blackwell made a motion for Ms. Chumbley to work with staff to develop the criteria for the consultant. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Discuss and take action if needed on the following:

Parameters for accepting courses for continuing education credit that may fall under the category of self help

After discussion Ms. VandeBerg stated she would continue to review the courses and if she could not make a determination she would refer the course for full Board review.

Ms. VandeBerg discussed possible ways to monitor continuing education courses such as using evaluation forms. Ms. Bell expressed concern with the amount of time this would take away from the staff's regular work and that no other profession within Health Related Boards monitors the continuing education courses. Ms. VandeBerg stated she would do a research on her own, of how other states monitor courses.

Determine how long an applicant's file should remain open after being referred to a peer assistance program

Ms. Birkner explained there are several files open, way beyond the one hundred (100) day benchmark. The applicants have been referred to a peer assistance program but there is no set time frame to contact or complete the program. Mr. Kraemer stated this problem may resolve itself once the new rules and laws go into effect. He also advised that we should be using the sixty (60) day time frame as stated in the rules. Staff will revise letters so that applicants are notified upon receipt of the application that they are to contact Lighthouse Professional Services and complete the requested requirements within the sixty (60) days.

Ratifications

Mr. Blackwell made a motion to ratify all new and reinstatement licenses for massage therapists and massage establishments issued from January 28, 2006 through April 19, 2006. Ms. Eichel seconded the motion. Mr. Harper recused himself. The motion carried.

Massage Therapists

STEPHEN CRAIG ALLISON
ALICE MARIE AMOS
CYNTHIA ANN ANDERSON
EMILY TRISLER ARNOLD
CECILIA LEA BAGWELL
KATHY L BANSEN
COURTNEY MARIE BECKER
MARIA ANN BECKER
REBECCA ANN BECKMAN
TERESA MARIE BEEBE
ANN MARIE BENNETT
MELANIE ANN BLACK
SYDNY FORREST BOWMAN
STEPHANIE NICOLE BROOMER
SHEILA CATHERINE BROWN
BETHANY LUELLA BROWNING
CATHERINE MARGARET BURTON
CALICIA JEAN BUTLER
BECKIE BEE CAIN
TARA A CANOVA
CAROLINE M CARPENTER
ELIZABETH MARIE CASTETTER
DANIELLE RENEE CHEATHAM
BARBARA JEAN DANIELS
DARISA KAYE DAVIS
LISA MARIE DAVIS
MELINDA KAYE DEMEMBER
JEFFREY S DILLARD
TAJALIN SHAVONNE DRAPER

AMANDA ELAINE ELKINS
RAYMA SUE EWING
LESLIE H FARRIS
ROBIN MICHELE FLOYD
DAVID JOHN FREDERICK
ALYSSA DAWN GATZIMOS
TANGA RENEE GREEN
SHARON LORRAINE GROFF
LINDA CHRISTINE GUIDRY
WANDA LASHEA HAISLIP
MICHELLE KIMBERLY HANKINS
DEEA MONIQUIG HARDISON
AMANDA BROOK HARRIS
JENNIFER LEIGH HATCHER
DJUNA LATRICE HENDERSON
MARY LYNN HICKS
TONYA RENAE HOLCOMB
TAMMY JANETTE HURLEY
ERIN SUE HURME
KRISTIE LYNN JANTSCH
SETH JOHNNY JOHNSON
HOLLY ANN KENDALL
TONI LYNN KIMBRELL
JOSHUA DAVID KIMSEY
MAN SUN LEE
JESSICA RUTH MANESS
KRISTI MICHELLE MATHIS
RICHARD A MCCUE
KRISTEN CARTER MCKENNEY

ELISE JOY MCNUTT
DORIS MARLENE MILES
TERRY FRANCES MITCHELL
TAMMY K MOFFAT
KENNETH SHANE MORGAN
TARA DEE MORGAN
TIFFANY LEANN NELSON
JEREMY NICHOLAS NEWBERRY
ALICE FAYE NOACK
CATHERINE MICHELLE PAINTER
ANGELA MICHELLE PARRISH
PATRICK ALLAN PAWLOWSKI
RAMONA JEAN PEDERSEN
CASSANDRA MARIA PEZZEMINTI
JOYCE ANNETTE PHILLIPS
DARNELL TYRONE POWELL
NICOLE MARIE PRIOLA
MARY E RADER
OLIVIA ELLEN RANEY
RHONDA MARIE RASMUSSEN
JULIA ELIZABETH RIZZO
CINDY JEAN ROMANI
FREEMOND LAMONT SANDERS
GENA ALEXIS SCHMID

SHARON ANNE SCOTT
TERRY L SCRUGGS
JANE CHAMBERS SINGLETARY
MANDY LYNN SMITH
TAMMY LOUISE SMITH
CHRISTY MARIE SPURGEON
ROSA MARIE STABLER
DONALD ELDORIS STARBARD III
BRITTNEY MARIE STOCKBURGER
SHARON ELAINE TATE
PATRICK ALVAH THORNHILL
LAMON T TOLBERT
ALECIA ELAINE TURNER
VERONICA MICHELLE VAUGHN
TAMMIE JEAN WADE
THOMAS LYNN WALKER
BETSY ROSE WHEELER
SHERRY Y WHITTMORE
ANDRE'A SHEREE WILKINSON
CARRIE LYN WILSON
PAULA DAVINA WILSON
QIU YANG ZHANG
MEGAN RACHEL ZIENTEK
TODD JUSTIN ZOOK

Massage Therapist Reinstated

COURTNEY ROSS BOWLING
TERESA MARIE BURNS
HEATHER J. CLEAVENGER
SARAH GRACE CLEVINGER
CRYSTAL DENICE CLINE
PAMELA GAIL CRISE
ANGELA MICHELLE DAKE
SARAH LAIANNA FLOWERS
ARLENE RENEE FRIERSON
NICOLE MALEY GRIFFIN
CAROLANN CONNELL GRIFFIS
ANTHONY LADD HORNER

ELIZABETH RUTH KING
KAREN RENEE' MASSEY
LINDA MAXWELL MILLER
VERONICA MORRIS
ESTHER RUTH REDMOND
MARY EVELYN SHELTON
ROSE E. SHEPARDSON
ROSE MARIE SNOBLEN
ANNA M WHITTON
KAREN M WILDER
MECSHELL MARIE WRIGHT-RAMSEUR

Massage Establishments

631 MESSAGE STUDIO
A MOTHER'S TOUCH THERAPEUTIC MASSAGE
A TOUCH OF SERENITY
A TOUCH OF SERENITY
A TOUCH OF TRANQUILITY
ABSOLUTE SALON
ACCENTS FULL SERVICE SALON LLC
AKAHAI THERAPIES
AMBER'S MASSAGE

ANAM CHARA MASSAGE
ASHLEY BLAIR REYNOLDS
BALANCING ACT
BARBARA BANE, LMT
BODY BLISS FOR WOMEN
BRENTWOOD SALON AND DAY SPA
BUCKHEAD NEUROMUSCULAR THERAPY CENTER
CHAMBERLAIN CHIROPRACTIC CLINIC, P.C.
CHRISTOPHER A. SLUSS, LMT
COMMUNITY MASSAGE THERAPY
CONNIE MOSKETTI, LMT
CRANBERRY'S SALON AND DAY SPA, INC.
CYNTHIA ANDERSON
DAKOTA SPIRIT THERAPEUTIC MASSAGE
DE-COR DAY SALON
DETAILS FAMILY HAIR SALON, INC.
DONNA-MICHAEL'S HAIR DESIGNS
DYNA-BODY OF NASHVILLE
ENCHANTED TOUCH MASSAGE THERAPY SERVICES AT SALON GENEVIEVE
ESSENTIAL TOUCH MASSAGE AND WELLNESS
EXPRESS FIT TN, LLC/LADIES WORKOUT EXPRESS
FOUR SEASONS SALON AND DAY SPA
FRANK BATSON FAMILY CHIROPRACTIC
FUN IN THE SUN TANNING SALON AND SPA
GOVAN EXPRESSIONS
GREEN HILLS NATURAL HEALTH CLINIC
HEALING HANDS SPA AND SALON
HEALING TREE MASSAGE
HEALTH ESSENTIALS, LLC AT GRAND VISTA RESORT
HEATHER CLEAVENGER, LMT
HEATHER WALKER L.M.T.
HI-BROW PERMANENT MAKEUP AND MASSAGE THERAPY FOR WOMEN
INSIDE-OUT MASSAGE AND BODYWORK
JACINDA MASSAGE
JAE LEE SPA
JANA LIVONCOVA DBA INTUITIVE BODYWORK
JUVE SALONSPA
K. HAZE LAMBDIN MASSAGE THERAPY
KNOXVILLE CHIROPRACTIC CLINIC
LEGENDS HAIR AND SKIN STUDIO, LLC
LESLIE FARRIS, LMT
LISA'S SAFARI SALON AND SPA
LIVING HEALTH LLC
LOOKOUT VALLEY CHIROPRACTIC
MARNA MCKINNEY MASSAGE THERAPY
MARY JEWELL'S BEAUTY SALON
MASSAGE THERAPY OF WELLSPRING
MASSAGE-A-GRAM
MICHAEL'S HAIR DESIGN
NATURAL ALTERNATIVES SALON AND SPA
NATURAL HEALTH INSTITUTE MASSAGE THERAPY CLINIC
NATURAL HORIZONS
NICHOLE'S MASSAGE THERAPY

NU WAVZ SALON
NU-STYLE BEAUTY AND BARBER SHOP
ORIGINA SALON
PAMPER ME
POLLY ANNA MILLSTONE F.I.G. LLC DBA TRANQUILITY
PRETTY LADIES SKINCARE LLC
REBECCA BECKMAN OF HEAD QUARTERS
RENEAUX DAY SPA AND SALON
RESOLUTIONS AWFC, INC.
RIDGEFIELD COUNTRY CLUB
RIVERGATE CHIROPRACTIC
SALON 114
SALON BARNES AND BARNES
SERENDIPITY SKINCARE AND COSMETICS,LLC.
SERENITY DAY SPA-TENNESSEE FIELDS
SERENITY SALON AND SPA
SIMPLY SOOTHING
SKIN AND BEYOND DAY SPA
SPA VENTURES LLC,/DBA ESCAPE DAY SPA AND SALON
STEPHEN DREW
THE CRYSTAL PALACE
THE LASER CENTER INC DBA N2 SKIN
THE LEMON DROP DAY SPA AND SALON
THE PAMPER PARLOUR
THE RELAXATION STATION
THE WELLNESS CENTER
THERAPEUTIC BALANCE BODYWORK ASSOCIATES
TOTAL IMAGE DAY SPA
TOUCH OF WELLNESS MASSAGE AND SPA
TRUE ESSENTIALS
UNIQUE CONNECTIONS SALON
VENICE MASSAGE
WEBBER ENTERPRISES LLC DBA BALANCED TOUCH MASSAGE
WHYNOT CHIROPRACTIC CLINIC AT THE OAKS

Massage Establishments Reinstated

HEALTH AND HARMONY
HICKS CHIROPRACTIC
PRECIOUS JEWELS MASSAGE STUDIO/LA'SHON MERRIWETHER

Discussion

Ms. VandeBerg questioned how many course providers have been approved to teach the two (2) hours of Tennessee statutes and rules. Ms. Birkner stated she believed there were three (3) individual sponsors and that the massage schools were also beginning to offer the courses. Ms. Smithson addressed the Board and stated she would be against licensees attending a regular class at a school rather than a continuing education class. Ms. Bell responded that law is a evolving field and the classes taught should be up-to-date, and that licensees would be learning new laws.

Mr. Blackwell left the meeting at 3:00 p.m.

Ms. Hicks addressed the Board and said it was a major issue years ago regarding schools offering continuing education courses. It was the Board's opinion at that time, that if a school was good enough to teach classes they should be able to teach continuing education courses without prior approval.

There being no further business, Ms. Eichel made a motion to recess. Ms. VandeBerg seconded the motion. The motion carried and the meeting recessed at 3:10 p.m.

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

May 9, 2006

Members Present: Steve Harper, LMT, Chair
Rebecca Eichel, LMT, Secretary
Kirsten VandeBerg, LMT
Beverly Chumbley, RN, LMT
Juliana Glasgow-Trotman, LMT
Craig Blackwell, Citizen Member
Robbie Bell, Ex-Officio Member

Member Absent: Marilyn Field, Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Bob Kraemer, Advisory Attorney

A quorum being present the meeting convened at 9:05 a.m.

Consent Orders

Elizabeth Ferguson

Ms. Elisha Hodge, Office of General Counsel, presented the Consent Order that stated Ms. Ferguson performed massages for compensation during the months of April through May 2005, while working at Polished Salon. Ms. Ferguson has not held a license to perform massage therapy in Tennessee at any time relevant to this matter. In the Consent Order, Ms. Ferguson agrees to pay two (2) Type B civil penalties in the amount of two hundred fifty dollars (\$250.00) each, for a total of five hundred dollars (\$500.00) and pay all actual and reasonable costs associated with the prosecution of this case.

Ms. VandeBerg made a motion to accept the Consent Order. Mr. Blackwell seconded the motion. The motion carried.

Philip and David Gould d/b/a Gould's Day Spa and Salon

Ms. Elisha Hodge, Office of General Counsel, presented the Consent Order. Ms. VandeBerg recused herself. The Consent order stated:

At all times relevant to this matter, the Gould's have owned and operated four (4) Gould's Day Spa and Salons located in Memphis and Collierville, Tennessee. On March 4, 1998, Philip Gould applied for an establishment license for the Spa located at 1203 Park Place Centre in Memphis. This location did not receive an establishment license at the time due to the fact that the documentation required for licensure was not completed and submitted within the required sixty (60) day period. On September 18, 1998 Philip Gould again applied for an establishment license for the same location. Again, the location failed to obtain an establishment license because the documentation required for licensure was not completed and submitted within the

required sixty (60) day period. In 2000, the Gould's opened a Spa located at 875 West Poplar Avenue, Collierville. In July of 2002, without having obtained an establishment license, the Collierville location began offering massage therapy. In February 2005, the Gould's obtained an establishment license for the Spa located at 149 Union Avenue, Memphis. On July 15, 2005, the Gould's were sent a letter from the Massage Licensure Board notifying them that they had thirty (30) days to obtain establishment licenses for the three (3) remaining Spas. On August 8, 2005, the Spa located at 1203 Park Place Centre, Memphis, obtained an establishment license. On August 26, 2005, the Spa located at 1138 N. Germantown Parkway, Memphis, obtained an establishment license. The Spa located at 875 West Poplar, Collierville, did not receive an establishment license until September 8, 2005. The Gould's failed to obtain an establishment license for the Spa located in Collierville within the thirty (30) day time period granted by the Board. In the Consent Order presented today, Philip and David Gould agrees to pay thirty-seven (37) Type B civil penalties in the amount of two hundred fifty dollars (\$250.00) each for a total of nine thousand two hundred fifty dollars (\$9,250.00), plus the cost of prosecution of this case. The Gould's must pay the penalty within twelve (12) months from the effective date of this order. The penalty must be paid in full before licensure may be renewed.

Ms. Eichel made a motion to accept the Consent Order. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Contested Cases

Susan Lynch, LMT

Ms. Lynch's case was continued.

Larry Hargrove, LMT

The State was represented by Ms. Elisha Hodge. Mr. Hargrove was represented by Karla Ogle. Judge Todd Kelly presided over the case.

Ms. Hodge presented to the Board the case against Mr. Hargrove, a licensed massage therapist. The case alleges Mr. Hargrove violated T.C.A. sections 63-18-208 (1), (5), and (7) and Rules sections 0870-1-.02 (3)(b), (4)(a), (b), (d), 0870-1-17 (4)(i) and (o).

After the conclusion of the State's witnesses Ms. Ogle asked for a motion to dismiss the charges stating the State failed to meet the burden of proof. Ms. Hodge objected to the dismissal.

Ms. Glasgow-Trotman made a motion to deny the motion to dismiss the charges. Ms. Eichel seconded the motion. The motion carried.

After a full day of testimony the hearing was recessed at 5:00 p.m. and will continue on June 19, 2006.

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

June 19, 2006

Members Present: Steve Harper, LMT, Chair
Rebecca Eichel, LMT, Secretary
Kirsten VandeBerg, LMT
Beverly Chumbley, RN, LMT
Juliana Glasgow-Trotman, LMT
Craig Blackwell, Citizen Member
Robbie Bell, Ex-Officio Member

Member Absent: Marilyn Field, Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator

A quorum being present the meeting convened at 9:10 a.m.

Contested Case

The case against Larry Hargrove continued from the May 9, 2006 Board meeting.

The Board heard additional testimony. At the conclusion of testimony Ms. Chumbley made a motion to accept as Findings of Fact, Allegations of Fact # 10 and #11. Ms. Eichel seconded the motion. The motion carried.

Mr. Blackwell made a motion to drop all other charges stating that the State did not prove by preponderance of evidence that the violations occurred. Mr. Harper seconded the motion. Ms. Birkner conducted a roll call vote. Ms. Chumbley, Mr. Blackwell, Ms. VandeBerg and Mr. Harper voted yes. Ms. Glasgow-Trotman and Ms. Eichel voted no. The motion carried.

Ms. Chumbley made a motion to adopt a statement that the Board does believe witness DC's statement that she felt traumatized as a result of the massage she received in May 2003 and that the action taken by the Board was not intended to reflect otherwise. Ms. VandeBerg seconded the motion. The motion carried. Judge Kelly advised the Board this statement could not go in the Order.

Mr. Harper stated the Board's action was taken to uphold the law and for the safety and welfare of the public.

There being no further business, Mr. Harper made a motion to adjourn. Ms. Blackwell seconded the motion. The motion carried and the meeting adjourned at 2:50 p.m.

Rebecca Eichel, LMT, Secretary